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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,137	10/16/2001	Paul K. Klissner	2070.005100	6214

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EXAMINER

RAY, GOPAL C

ART UNIT	PAPER NUMBER
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DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,137

Applicant(s)

KLISSNER, PAUL K.

Examiner

Gopal C. Ray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,14,15 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 3,7-13,16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

1. Claims 1- 21 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner believes that the title of the invention is broad. A descriptive title indicative of the invention will help in proper indexing, classifying, searching, etc. See MPEP 606.01. However, the title of the invention should be limited to 500 characters.
3. The drawings filed on 10/16/01 are approved by the USPTO draftsman. Direct any inquiries concerning drawing review by the USPTO draftsman to the Drawing Review Branch at (703) 305-8404.
4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Furthermore, all claims should be revised carefully to eliminate all grammatical errors and antecedent basis problems.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent 6,298,354 issued to Saulpaugh et al.

As per claim 1, the reference of Saulpaugh et al. teaches "receiving configuration information" in abstract, lines 14-33; "providing at least a portion of the configuration information to an external device through a platform-independent interface" in col. 10, lines 1-19.

As per claim 4, the reference of Saulpaugh et al. teaches "receiving the configuration information as a manual input from a user" in col. 10, lines 29-32 and 62-65.

As per claim 5, the reference of Saulpaugh et al. teaches the added limitation in col. 10, lines 2-29.

7. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 6, 14, 15 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,298,354 issued to Saulpaugh et al. in view of applicant's submitted prior art "JAVA API for USB (javax.usb)".

As per claim 2, the claim is rejected for the same reasons with the exception of teach "a Universal Serial Bus (USB) device". However, the above feature was well as evidenced by applicant's submitted prior art "JAVA API for USB (javax.usb)".

Applicant's submitted prior art "JAVA API for USB (javax.usb)" teaches the feature in the "Introduction" on page 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include USB devices in the system of Saulpaugh et al. because it was well known in the art and would enrich applications with access to USB devices.

As per claim 6, the reference of Saulpaugh et al. teaches "access a data file and receive data and an associated destination address from the data file" in col. 10, lines 1-19 ; "store data at a memory location through a platform-independent interface" in col. 10, lines 57-65 and abstract, lines 14-23.

The system of Saulpaugh et al. fails to expressly teach "a Universal Serial Bus (USB) device". However, the above feature was well as evidenced by applicant's submitted prior art "JAVA API for USB (javax.usb)". Applicant's submitted prior art "JAVA API for USB (javax.usb) teaches the feature in the "Introduction" on page 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include USB devices in the system of Saulpaugh et al. because it was well known in the art and would enrich applications with access to USB devices.

As per claim 14, the claim is rejected for similar reasons as discussed in the rejection of 6 with the exception of "a control unit adapted to execute the platform-independent routine, wherein the platform-independent routine causes the control unit to receive configuration information". However, the reference of Saulpaugh et al. teaches the feature in col. 10, lines 2-12.

As per claim 15, the reference of Saulpaugh et al. teaches "wherein the platform-independent routine is a Java based application" in col. 10, lines 2-6.

As per claim 18, the claim is rejected for similar reasons as discussed in the rejection of 6 with the exception of "a platform-independent interpreter adapted to execute the platform-independent routine and to cause configuration information to be

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stored. However, the reference of Saulpaugh et al teaches the feature in col. 10, lines 2-12.

As per claim 19, the reference of Saulpaugh et al. teaches "java based executable program" in col. 10, lines 2-11.

As per claim 20, the reference of Saulpaugh et al. teaches "API" in col. 9, lines 38-53.

As per claim 21, the reference of Saulpaugh et al. teaches "wherein the platform-independent interpreter is a Java interpreter" in col. 10, lines 2-19.

9. Claims 3, 7-13, 16 and 17 are objected to as each claim being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The above claims are allowable over the prior art on record because they recite additional features such as "providing at least the portion of the configuration information comprises a reset signal to the USB device ..." (claim 3), etc. in combination with the limitations in their respective parent claims which the prior art on record does not teach or fairly suggest.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. The prior art submitted by applicant has been considered by the examiner and made of record in the file.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (703) 305-

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9647. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The new fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[mark.rinehart@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2100 receptionist whose telephone number is (703) 305-3900.

Gopal C. Ray
GOPAL C. RAY
PRIMARY EXAMINER
GROUP 2100